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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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JOSEPH MURPHY, <i>et al.</i> ,	:
Plaintiffs,	:
v.	:
ALLIED WORLD ASSURANCE	:
COMPANY (U.S.), INC. and ARCH	:
INSURANCE COMPANY,	:
Defendants.	:
	:
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**ALLIED WORLD'S MOTION FOR  
 SUMMARY JUDGMENT**

Defendant Allied World Assurance Company (U.S.), Inc. moves this Court for summary judgment pursuant to Fed. R. Civ. P. 56. This motion is made upon the declaration of Robert W. DiUbaldo and the declaration of Jerome W. Brendle, dated July 11, 2008, together with exhibits attached thereto and the Insurers' Joint Exhibits,<sup>1</sup> as well as a statement of undisputed material facts pursuant to S.D.N.Y. Civ. Rule 56.1 and a memorandum of law.

Opposition papers, if any, shall be served on the undersigned by August 8, 2008.

Dated: July 11, 2008  
 New York, NY

Respectfully submitted,

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<sup>1</sup> As noted in Allied World's memorandum of law, the Insurers' Joint Exhibits were served and filed by XL Specialty Insurance Company on behalf of all insurers in action No. 08 Civ. 3821.

/s/ John D. Hughes

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
JOSEPH MURPHY, et al., :  
:  
Plaintiffs, :  
v. :  
: Case No. 1:08-cv-4196 (GEL)  
ALLIED WORLD ASSURANCE :  
COMPANY (U.S.), INC. and ARCH :  
INSURANCE COMPANY, :  
:  
Defendants. :  
:  
:  
-----x

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of July 2008, I caused a copy of Allied World's motion for summary judgment, Rule 56.1 statement of undisputed material facts, memorandum of law, declaration of Robert W. DiUbaldo and declaration of Jerome W. Brendle dated July 11, 2008 to be sent by electronic mail to the following:

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